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MAY 23 2005

John R. Carr
118 S. Clark Drive
Los Angeles, CA 90048

In re application of :
Jeff Haber :
Application No. 09/628,569 :
Filed: July 31, 2000 :
For: DIRECTING INTERNET SHOPPING TRAFFIC :
AND TRACKING REVENUES GENERATED :
AS A RESULT THEREOF :

**DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY**

This is a decision on the request filed on April 25, 2005 under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED** as MOOT.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

A review of the file indicates that John Carr, Albert C. Smith and Robert R. Sachs originally had power of attorney given them in the original declaration filed with the application.

On June 13, 2001, attorneys at Fenwick & West LLP were given power of attorney and the correspondence address changed to them.

A request to withdraw Carr, Smith and Sachs dated August 6, 2001 was granted on August 15, 2001 and the correspondence address was changed to John Carr at Foley & Lardner. However, it is not seen that the attorneys requesting this withdrawal had power of attorney at that time. Nevertheless, the correspondence address was changed.

On June 16, 2002, the change of address to John R. Carr at 118 S. Clark Drive, Los Angeles, CA 90048 was approved even though the requester, John Carr did not have power of attorney at that time.

As a result it appears that currently the attorneys at Fenwick & West still have power of attorney and the correspondence address is John Carr in Los Angeles, CA.

Therefore, the withdrawal of attorney of April 25, 2005 is not approved as moot as the requester, John Carr does not currently have power. Therefore the change of address requested in that withdrawal of attorney will not be approved.



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SNM/dew: 5/10/05

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